IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1336 OF 1975

Mohsin Fidaali Potia .. Plaintiff.

vs.

Shantilal K. Shah. .. Defendant.

Mr. S. Shamim i/by Shamim & Co.
for the plaintiffs.
Mr. N.M. Mudnaney for defendant.
Defendant no. 1 (c) present in Court.

CORAM : S.U.KAMDAR, J.

DATE : 29th March, 2005.

P.C.

. The learned counsel appearing for the plaintiff has tendered the documents which are taken on record as the learned counsel appearing for the defendant does not press for the same. He states that the originals are already tendered in Suit No. 2623 of 1984. In view of the aforesaid statement the documents are taken on record and marked Exhibit A collectively. The plaintiff has also tendered the oral evidence of one Ms. Rukshana Hasanali Kutionwala. The evidence in chief is taken on record. According to the plaintiff the plaintiff is

conversant with the facts of the case personally and is deposing on her personal behalf. The learned counsel appearing for the defendants states that on instructions of defendant no. 1 (c) who is present in Court, he does not desire to cross-examine the plaintiff. In so far as the other defendants are concerned, he says that he has no instructions in the matter and inspite of repeated letters there is no reply nor any instructions given. He further states that the defendant no. 1 (c) is running the business and, therefore, he is the only affected person.

2. The learned counsel for the plaintiffs prays for a decree in terms of prayer clauses (b), (c) and (d) and rest of the prayers are given up. In view thereof, the decree is passed in terms of prayer clauses (b), (c) and (d). The suit accordingly disposed of. No order as to costs.